

DEPARTMENT OF THE NAVY
Office of the Chief of Naval Operations
Washington, DC 20350-2000

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OPNAVINST 11101.44
OP-157
17 October 1990

OPNAV INSTRUCTION 11101.44

From: Chief of Naval Operations
To: All Ships and Stations (less Marine Corps field addressees not having Navy personnel attached)

Subj: OCCUPANT RESPONSIBILITY AND LIABILITY FOR NAVY FAMILY HOUSING AND BACHELOR QUARTERS

Ref: (a) DoD Manual 4165.63-M of 17 Jun 88, Chap. 4 (NOTAL)
(b) SECNAVINST 11100.7A (NOTAL)
(c) Title 10 USC 2775
(d) DoD Instruction 7045.18 of 13 Mar 85 (NOTAL)
(e) DoD Military Pay and Allowances Entitlements Manual of 9 Mar 87, Chap. 7
(f) PAYPERSMAN, NAVSO P-3050, part 7

Encl: (1) Definition of Terms
(2) General Procedures
(3) Preparation of NAVPERS 11101/2, Record of Housing Investigation
(4) Debtor Entitlements and Rights
(5) Housing Investigation Guidance

1. Purpose. To implement the policy concerning occupant responsibility and liability for family and bachelor housing as set forth in references (a) and (b), and to provide Navy-wide guidance and procedures for determining responsibility for the care and maintenance of family and bachelor housing and liability for loss of or damage to the housing unit or quarters, equipment and furnishings. This instruction is a complete revision and should be reviewed in its entirety.

2. Cancellation. OPNAVINST 11101.27.

3. Scope. This instruction applies to military family housing under Navy control and supported by Family Housing, Navy (FHN) funds. It

applies also to Bachelor Quarters (BQ) under Navy control and supported by Operations and maintenance, Navy (O&M,N) or Bachelor Quarters Billeting (NAF) account funds, as appropriate.

4. Definitions. See enclosure (1).

5. Background

a. Reference (c) authorizes deductions be made from a military member's pay to cover the cost of repairs or replacement of housing property made necessary by abuse or negligence in family and bachelor housing. Additionally, this section authorizes similar deductions be made when a military member assigned family housing fails to satisfactorily clean the unit upon termination of assignment. References (a), (b) and (d) incorporate these provisions.

b. Reference (b) establishes the policy for, and provides guidance concerning, occupant responsibility and liability for the care and maintenance of Navy and Marine Corps housing property and directs the Chief of Naval Operations (CNO) to issue appropriate implementing instructions for the Navy.

c. References (e) and (f) govern collection of indebtedness from service members.

6. Policy

a. Occupants will be provided clean, habitable quarters and are required, upon vacating, to return the quarters and assigned grounds and furnishings in the same condition, with allowances for ordinary wear and tear.

b. Family housing occupants will be responsible for such routine maintenance, minor repair, operation, housekeeping, and related servicing of housing property such as: replacing electric light bulbs and fuses; cleaning and replacing government furnished filters on furnaces and air conditioners; changing batteries in smoke detectors, etc. A service member will

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also be liable for the cost of cleaning made necessary by his or her failure to clean a family housing unit satisfactorily upon termination of assignment, and for loss of or damages to housing property caused by abuse, negligence, or willful misconduct, including that caused by his or her dependents or invited guests.

c. Bachelor quarters occupants will be responsible for routine housekeeping and reporting items for repair or replacement to the appropriate bachelor quarters management personnel. An assigned service member will be liable for loss of or damages to bachelor quarters property caused by abuse, negligence, or willful misconduct, including that caused by his or her invited guests.

d. Occupants will be given the opportunity to reimburse the government voluntarily.

e. Occupants who are held accountable for any loss, damage, or cleaning of quarters will be given due process protection. Appeals will be first reviewed by a judge advocate, who will advise the approving official of any legal considerations before a final decision is made.

f. Nothing contained here will act to limit the right of the United States to seek full recovery of the actual value of loss or damage for which the occupant is determined to be liable from available insurance owned by the occupant.

7. Responsibilities

a. The Commander, Naval Facilities Engineering Command (COMNAVFACENG-COM) and the Commander, Naval Military Personnel Command (COMNAVMILPERSCOM) will issue further implementing instructions as required.

b. Major Claimants will:

(1) Take final action on all appeals and NAVPERS 11101/2, Record of Housing Investigation, forwarded for action by an installation commander.

(2) Take final action on all requests for waiver of indebtedness.

c. Installation Commanders will:

(1) Establish written instructions and standards per paragraph 8b for the cleaning, care and maintenance of housing property, tailored to suit local conditions.

(2) Ensure that occupants are provided clean, habitable quarters, and are informed of their responsibilities and potential liabilities at the time of assignment.

(3) Ensure that housing investigations and records are completed as required when cleaning, care and maintenance standards are not met, or upon discovery or report of loss or damage to housing property. Enclosures (2) through (5) provide detailed guidance for the conduct of housing investigations.

(4) Review all housing investigation records, except those in which personally involved.

(5) Take final action on housing investigations, except when final action is reserved for higher authority.

(6) Review all appeals, and forward those not granted to the appropriate major claimant for final action.

(7) Endorse and forward requests for waiver of indebtedness.

d. Tenants will:

(1) Perform such routine maintenance, minor repair, operation, housekeeping and related servicing, and return the housing property in the same condition as received, ordinary wear and tear excepted.

(2) Immediately report any loss of or damage to housing property, or any items in need of repair or replacement, to the Housing or Bachelor Quarters Office, as appropriate.

8. Appeals

a. Action by Individual. A person held liable for the cost of damages, loss or cleaning may appeal in writing to the authority taking the final action on the Record of Housing Investigation. The appeal must specifically state the alleged errors or injustices occurring during the survey process. An appeal must be submitted via the chain of command to the approving authority within 30 days of the date of notification of indebtedness or within 45 days after receipt of the records relating to the debt, if such records are requested by the debtor. The window for submitting an appeal may be extended to 60 days provided notice of intent to appeal is submitted within 30 days.

b. Action by Approving Official. The appeal is reviewed by the authority who took the final action or his or her successor. He or she may grant or deny the appeal.

(1) If the approving official grants the appeal, any monies collected will be refunded, similar to an erroneous collection.

(2) If the approving official denies the appeal, the file will be sent to the appropriate major claimant via the chain of command for final action. Monies will not be refunded pending final determination of the appeal by the major claimant.

9. Requests for Waiver of Indebtedness

a. Action by Individual. Any occupant may apply under Title 10, United States Code, Section 2775 for waiver of financial liability. Requests must be in writing, and submitted to the major claimant, via the installation commander, within 60 days of notification of the indebtedness. Requests must substantiate that collection of the debt would result in financial or personal hardship.

b. Considerations. In each case, the degree of the occupant's liability and the likelihood that collection in full will result in an

undue financial or personal hardship to the occupant are considerations in making such a determination.

c. Approval. The installation commander will endorse and forward requests for waiver to the major claimant via the chain of command. The Secretary of the Navy has delegated to the Chief of Naval Operations the authority to compromise or waive a claim pursuant to Title 10, United States Code, Section 2775, if, based upon the unique circumstances of the individual case, it is determined that the compromise or waiver of the claim is in the best interests of the United States. This authority is redelegated to major claimants but may not be further delegated.

10. Retention of Documentation. Audit capability is required following the processing of documents and data. Records of Housing Investigation and all back-up documentation will be retained for a period of 2 years.

11. Forms

a. The following forms are available through normal Navy supply channels per NAVSUP P-2002, Navy Stock List of Publications and Forms.

DD 139, Pay Adjustment Authorization
(May 53), S/N 0102-LF-001-1200.

DD 139, Pay Adjustment Authorization
(May 53), S/N 0102-LF-001-1501 (4-Part Set).

b. NAVPERS 11101/2 (1-90), Record of Housing Investigation, is stocked at Commander, Naval Military Personnel Command, NMPC-67, Washington, DC 20370.

S. F. GALLO
Assistant Deputy Chief of Naval Operations
(Manpower, Personnel and Training)

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OPNAVINST 11101.44
17 October 1990

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26 JAN 1993

Definition of Terms

Abuse - Deliberate unauthorized use of government property or willful misconduct.

Appeal - A request to correct the findings of the housing investigation or amount of the debt. An appeal is not a request for cancellation or waiver of indebtedness.

Approving Official - The approving official is defined as follows:

a. The Family/Bachelor Housing Manager, if so designated by the installation commander, and the amount of the loss is \$750.00 (R or less and the individual charged has voluntarily elected to reimburse the Government for the loss.

b. The installation commander, if the amount of the loss is between \$751.00 - \$10,000.00, or if the individual charged does not voluntarily reimburse the government for the loss. (R

c. The major claimant, if the amount is greater than \$10,001.00, or if the installation commander has forwarded the Record of Housing Investigation for final action due to personal involvement with the loss.

Bachelor Quarters (BQ) Property - The quarters and associated furniture and furnishings assigned to unaccompanied personnel.

Family Housing, Navy (FHN) - That portion of Family Housing, Navy and Marine Corps (FHN&MC) accounts or funds reserved specifically for Navy use.

Family Housing Property - The housing unit, grounds, outbuildings, equipment, furniture, and furnishings assigned to accompanied personnel.

Gross Negligence - An extreme departure from the course of action to be expected of a reasonably prudent person, all circumstances being considered, and accompanied by a reckless, deliberate, or wanton disregard for the foreseeable consequences of the act. Abandonment of quarters by the occupants is considered gross negligence.

Housing Property - The family housing or bachelor quarters unit, plus any grounds, outbuildings, equipment, furniture, and furnishings assigned to an occupant.

26 JAN 1993

Installation Commander - The commanding officer of the installation to which the housing units or bachelor quarters are attached.

Investigating Board - A board of two or more persons whose members are appointed in writing by the installation commander to conduct housing investigations. Commissioned or warrant officers are normally appointed to investigating boards; however, qualified senior enlisted personnel may be appointed if necessary. Individuals so appointed must not have a direct interest in the property being investigated.

Investigating Officer - An individual who is appointed in writing by the installation commander to complete a housing investigation to determine responsibility and liability for damage to or loss of government property, or liability for quarters cleaning. Individuals so appointed will not have any direct interest in the property being investigated. The individual will be an officer; enlisted member E-7 and above; or civilian employee GS-7 or above; however, the investigating officer should normally be senior to the person(s) directly involved with the discrepancy.

Liability - The state of being responsible or answerable for the loss of or damage to government property.

Major Claimant - A commander with cognizance over shore activities with family housing and bachelor quarters property account responsibility.

Pecuniary Liability - The statutory obligation of an individual to reimburse the government for loss, damage, or destruction of government property arising from his or her negligence.

Proximate Cause - The cause which, in a natural and continuous sequence, unbroken by a new cause, produces the loss or damage, and without which the loss or damage would not have occurred.

Record of Housing Investigation (NAVPERS 11101/2) - The form used to record the circumstances, including any investigations conducted, of loss or damage to housing property or necessity for family housing quarters cleaning. NAVPERS 11101/2 is the official document supporting assessment of liability for loss, damage or quarters cleaning.

Simple Negligence - The failure to act as a reasonably prudent person would have acted under similar circumstances. Failure to comply with existing laws or regulations may be considered as evidence of neglect if that failure is the proximate cause of the loss, damage or cleaning requirement.

17 OCT 1990

Definition of Terms

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Approving Official - The approving official is defined as follows:

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b. The Installation Commander, if the amount of the loss is between \$501.00 - \$10,000.00, or if the individual charged does not voluntarily reimburse the Government for the loss.

c. The Major Claimant, if the amount is greater than \$10,001.00, or if the Installation Commander has forwarded the Record of Housing Investigation for final action due to personal involvement with the loss.

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Enclosure (1)

17 OCT 1990

Installation Commander - The commanding officer of the installation to which the housing units or bachelor quarters are attached.

Investigating Board - A board of two or more persons whose members are appointed in writing by the installation commander to conduct housing investigations. Commissioned or warrant officers are normally appointed to investigating boards, however qualified senior enlisted personnel may be appointed if necessary. Individuals so appointed must not have a direct interest in the property being investigated.

Investigating Officer - An individual who is appointed in writing by the installation commander to complete a housing investigation to determine responsibility and liability for damage to or loss of government property, or liability for quarters cleaning. Individuals so appointed will not have any direct interest in the property being investigated. The individual will be an officer; enlisted member E-7 and above; or civilian employee GS-7 or above; however, the investigating officer should normally be senior to the person(s) directly involved with the discrepancy.

Liability - The state of being responsible or answerable for the loss of or damage to government property.

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Proximate Cause - The cause which, in a natural and continuous sequence, unbroken by a new cause, produces the loss or damage, and without which the loss or damage would not have occurred.

Record of Housing Investigation (NAVPERS 11101/2) - The form used to record the circumstances, including any investigations conducted, of loss or damage to housing property or necessity for family housing quarters cleaning. NAVPERS 11101/2 is the official document supporting assessment of liability for loss, damage or quarters cleaning.

Simple Negligence - The failure to act as a reasonably prudent person would have acted under similar circumstances. Failure to comply with existing laws or regulations may be considered as evidence of neglect if that failure is the proximate cause of the loss, damage or cleaning requirement.

17 OCT 1990

Waiver - Elimination or modification of indebtedness. Waiver of indebtedness does not change an individual's liability, but eliminates the requirements to pay all or part of the debt.

Willful Misconduct - Intentional damage, destruction, or loss of government property.

17 OCT 1960

General Procedures

1. Assignment. The prospective occupant will be informed in writing of his or her responsibility and liability at the time of occupancy and when specific incidents occur. Coincidental with the transfer and acceptance of custody of the housing property, the occupant will acknowledge his or her responsibility and liability in writing, and an agreement will be executed stating the identity and condition of the housing property.

2. Housekeeping and Maintenance

a. Occupants will be provided written instructions and standards describing conditions to be met, and occupant responsibility for the cleaning, care and maintenance of housing property. In no instance will occupants be assigned maintenance or housekeeping obligations that require skills beyond those of the average housing tenant. The following minimum criteria will be maintained for family housing or bachelor quarters, as appropriate:

- (1) Dusting, sweeping and mopping or vacuuming of interior areas.
- (2) Removing dirt, wax, stains, and deposits from accessible surfaces and fixtures. Washing accessible windows.
- (3) Cleaning accessible portions of appliances.
- (4) Replacing accessible light bulbs, fluorescent tubes and fuses, and cleaning or replacing government-furnished furnace or air conditioning filters.
- (5) Caring for any assigned grounds, to include mowing, raking, pruning and trash removal.
- (6) Removal of excessive oil and grease deposits on driveways or in carports or garages.

b. Family housing occupants will provide their own cleaning or maintenance products which are normal household items, to carry out cleaning and maintenance. Items not normally owned by households, such as a floor buffer or carpet cleaner, and which do not require special training or skills for operation, may be provided by the housing office within available funds.

Enclosure (2)

17 OCT 1990

c. Bachelor quarters occupants will be provided with all necessary equipment and supplies to carry out cleaning responsibilities.

3. Termination of Quarters. At termination of assignment, the condition of the housing property will be validated, and losses or damages beyond normal wear and tear identified.

4. Record of Housing Investigation

a. Initiation. Upon report or discovery of loss of or damage to housing property, or when cleaning is necessary due to an occupant's failure to clean an assigned family housing unit satisfactorily, the housing or bachelor quarters office will initiate a NAVPERS 11101/2, Record of Housing Investigation, by completing blocks 1-9 of the form. Detailed instructions on completing the NAVPERS 11101/2, as well as a sample form, are included in enclosure (3). The housing director or bachelor quarters manager will notify the occupant that a housing investigation has been initiated and will provide him or her with a copy of enclosure (4).

b. Computation of Cost. The amount to be charged for damage, loss, or cleaning represents the actual loss or cost to the government.

(1) Lost or Destroyed Property. The amount to be entered is the market value of the property immediately before the loss.

(2) Damaged Property or Grounds. The measure of the damages is the difference in the market value of the property immediately before the damage and its market value immediately after the damage in its injured condition. The reasonable cost of the repairs necessary to restore the property to its condition before the damage may be used as evidence of the difference in the value of the property before and immediately after the damage.

(3) Furnishings. In the case of damage to or loss of furniture and furnishings, the replacement cost will be based on a depreciated value determined by the local Naval Legal Service Command Office.

(4) Quarters Cleaning. The amount to be charged is the cost to have the quarters cleaned to the standards identified during transfer of the quarters.

17 OCT 1990 CH-1

c. Computation of Recommended Charge

(1) Negligence. If negligence is not evident or responsibility cannot be determined, financial liability cannot be assessed. If there is evidence of negligence, willful misconduct, or abuse the following applies:

(a) When the proximate cause of the loss or damage is determined to be gross negligence, willful misconduct, or abuse, the financial liability of the occupant is the total amount of the loss or damage. If gross negligence is evident, the recommended charge will equal the total cost. In the absence of evidence to the contrary the occupant is presumed to have been aware of any risks attending the activities of family members and guests on the premises.

(b) Where simple negligence is determined to be the proximate cause of the loss or damage, including when quarters are not cleaned satisfactorily, the financial liability of the occupant is limited to an amount equal to one month's basic pay at the time of the loss, or the actual loss or cost (as defined in paragraph 4b), whichever is less. The lesser amount will be entered as a recommended charge when simple negligence is evident.

(c) Where negligence is not evident, the recommended charge will be zero and the installation commander may designate approval of the form to the housing/bachelor quarters director.

(2) Joint and Several Liability. If more than one individual is found financially liable for damage to or loss of housing property, each individual shall be held jointly and severally liable for the entire loss to the government, subject to the limitations above. If the dollar amounts cannot be divided equally, the approving authority will decide how much to collect from each individual. The government cannot collect more than the total amount of loss, damage, or cost.

5. Processing Housing Investigations

a. Occupant Rights and Entitlements

(1) Civilian or Active or Retired Service Members. Immediately upon discovery or report of the loss, damage, or family housing cleaning requirement, the housing/bachelor quarters director or other designated housing representative will notify the debtor of his or her rights and entitlements (see enclosure 3).

26 JAN 1993

(2) Member Separating from Service. Reference (e), section 70702b, provides that when a member receives final pay on separation, due process need not be completed prior to commencement of collection action if the time remaining before the member's estimated date of separation is not sufficient to complete collection and the government would be substantially prejudiced in its ability to collect the debt. In this instance, if the occupant does not consent to pay the debt, the housing office may complete and forward a DD 139, Pay Adjustment Authorization, for action prior to preliminary investigation of liability.

b. Consent

R) (1) If the occupant voluntarily consents to reimburse the Navy, and the amount of loss, damage, and/or family housing cleaning is equal to or less than \$750.00, the housing/bachelor quarters office will complete blocks 1-9 of the investigation form. The occupant will complete block 12. Designation of an investigating officer is not required. The installation commander may designate the housing/bachelor quarters director to approve the form.

R) (2) If the occupant does not accept responsibility or volunteer to reimburse the Navy, or the loss, damage, and/or family housing cleaning is greater than \$750.00, the housing/bachelor quarters office will complete blocks 1-9 of the investigation form, and the installation commander will initiate a housing investigation immediately upon receipt of the form.

c. Housing Investigation. When a housing investigation is required, the installation commander may designate an investigating officer, who will determine if there is evidence of negligence (simple or gross), willful misconduct, or abuse. NAVPERS 11101/2 will be used to document the investigation, and when completed, is the official document to support the establishment of debts. Guidelines for conducting an investigation and instructions for completing the investigation form, including a sample form, are contained in enclosures (3) and (5).

d. Individual Charged. If the individual charged is still located at the activity, the investigating officer will request that he or she complete block 12, and will attach any statements of objection to the NAVPERS 11101/2. For military personnel not at the activity, the form will be processed as indicated below:

(1) Transferred or on TAD for an Extended Period. Mail a copy of the Record of Housing Investigation to the commanding officer of the activity where the individual is located. Request

17 OCT 1990

the individual be advised of his/her rights and that the form be returned within 30 days with item 12 completed.

(2) Retired/Separated. Send a copy of the Record of Housing Investigation to the individual by registered mail, return receipt requested. The cover letter should request that the individual review the record of investigation, complete item 12, and return the entire form within 30 days. A self-addressed envelope should accompany the form. The returned receipt is used as an exhibit to the Record of Housing Investigation if a reply is not received within 30 days. When a reply is received after the form has been forwarded for action, the reply is forwarded through the same channels as the form.

(3) Death or Mental Incompetency. When a pecuniary charge is recommended and the individual dies or is declared mentally incompetent before the findings are examined, the investigating officer so notes on the form and makes no attempt to contact relatives of the individual.

6. Review and Approval

a. Review. The installation commander is responsible for the accuracy and completeness of all Records of Housing Investigation originating at the installation or activities under his or her command, and may review all, except those in which personally involved, to determine compliance with instructions for processing housing investigations.

b. Approval

(1) The installation commander will take final action on housing investigations except when the property value or cost of repair exceeds \$10,000, or when personally involved. Losses or damages will not be divided into smaller amounts to bring them within the \$10,000 limitation. The commander may sustain the recommendations of the investigating officer or make his or her own recommendations to hold a person or persons pecuniarily liable.

(2) When not authorized to take final action, or for any other reason the commander desires to forward the form for action by higher authority, he/she will make a suitable recommendation in item 14b, NAVPERS 11101/2. When an installation commander receives a Record of Housing Investigation for which final action is reserved for higher authority, or which list property in which he or she has a direct or indirect interest, the commander will forward all copies to the appropriate major claimant for action.

17 OCT 1990

c. Additional Inquiry. If the Record of Housing Investigation is not approved, or if additional information is required, the installation commander may appoint another investigating officer or a board to further study or expand the investigation. One member of the board (usually the senior member) will be designated to serve as investigating officer. The board member serving as investigating officer completes his or her action on the NAVPERS 11101/2 and recommends either relief from or assessment of liability.

7. Payment/Collections

a. Notification. Following final approval of the investigation form, the installation commander or designated representative will advise the liable individual(s) of the indebtedness and of the right of the service to make involuntary deductions from his or her pay per statutory authority. The member will be advised again of his or her entitlements and rights (see enclosure (4)), including the right to legal counsel; to appeal the findings of the investigation; to request waiver of indebtedness; and to make remittance direct to the disbursing office.

b. Processing Payments or Deductions

(1) If the occupant does not reimburse the government voluntarily, following member notification of the indebtedness per paragraph 5, the housing/bachelor quarters officer, or other designated command representative, will complete the DD 139, Pay Adjustment Authority, to initialize deduction from the member's pay. The DD 139 must indicate that the member has been afforded all due process rights.

(2) The disbursing officer who maintains the debtor's pay account is responsible for processing repayment of the debt per references (e) and (f).

(3) Funds collected or paid under this instruction will be deposited in the Family Housing, Navy (FHN) Reimbursable Collections Account in the case of family housing property, or to the Operations and Maintenance (O&M,N) or Bachelor Quarters Billeting (NAF) Reimbursable Collections Account, in the case of Bachelor Quarters. Amounts so credited shall be available for use for the same purposes and under the same circumstances as other funds in those accounts.

17 OCT 1990

Preparation of NAVPERS 11101/2, Record of Housing Investigation

1. Investigation Number. Number assigned to the record of investigation. This number will represent the year, unit identification code, and sequence number as follows: 88-69280-0001.
2. Date Initiated. Self-explanatory.
3. Type. Place an "X" in the appropriate blocks.
4. Stock No. Enter the stock number(s) of the items in numerical sequence, if applicable. If not applicable enter N/A.
5. Item Description. Enter the correct nomenclature of the items including any serial number(s). If stock numbers (item 4) are not applicable, give an accurate description sufficient for identification. If additional space is needed, use blank bond paper as a continuation sheet.
6. Cost. Enter the cost per item at time of purchase.
7. Record of Discovery or Report. Enter a complete statement of the facts, including, if known, the date of the incident and circumstances of the discovery or report of loss or damage. Include the name, grade and social security number of all persons directly involved. Add exhibits (photos, etc.), identified alphabetically within the block, as needed. Continuation sheets may be used. The person initiating the investigation will sign above his or her typed name and enter the date.
8. Cost and Recommended Charge. See paragraphs 4b-c of basic instruction.
9. Housing Manager/Director. The housing manager or bachelor quarters director will sign above his or her typed name, and enter the date.
10. Investigating Officer Findings/Recommendations. See enclosure (5).
11. Investigating Officer. Self-explanatory.
12. Individual Charged. If the individual charged refuses to sign this block, the refusal should be noted.
13. Recommendations. All officers in the chain of command from the housing manager/bachelor quarters director to the installation

Enclosure (3)

17 OCT 1990

commander will endorse and forward the record of investigation. Include typed names and titles in the signature block.

14. Installation Commander. If the installation commander is the approving official, this block will not be used. Include the typed name of the installation commander in the signature block.

15. Approving Official. Final action must be indicated, as well as the amount assessed, if any. Include the typed name and title of the approving official in the signature block.

17 OCT 1990

RECORD OF HOUSING INVESTIGATION		
<p align="center">PRIVACY ACT STATEMENT</p> <p>Personal information from the individual is solicited. As required by the Privacy Act of 1974, we advise:</p> <p>AUTHORITY: 10 USC 2775; DoD Manual 4165.63M; SECNAV Instruction 11101.7A.</p> <p>PRINCIPAL PURPOSE: To report the facts and circumstances supporting the assessment of pecuniary charges for the loss, damage, or destruction of Navy family housing or bachelor quarters property, or for the failure to clean a Navy family housing unit satisfactorily.</p> <p>ROUTINE USES: To report and/or initiate inquiries of liability in cases of loss, damage, or destruction to Navy housing property, or failure to clean a family housing unit satisfactorily, and record the findings and actions taken.</p> <p>DISCLOSURE IS VOLUNTARILY: Refusal to explain the circumstances under which the property was lost, damaged, destroyed or not cleaned satisfactorily, may be considered with other factors in determining if an individual will be held pecuniarily liable.</p>		
1. INVESTIGATION NUMBER 90-69280-0028		2. DATE INITIATED 24 APR 90
3. TYPE (X APPROPRIATE BLOCKS)		
a. <input type="checkbox"/> BACHELOR QUARTERS PROPERTY <input checked="" type="checkbox"/> FAMILY HOUSING PROPERTY		b. <input checked="" type="checkbox"/> REPLACEMENT <input type="checkbox"/> REPAIR <input checked="" type="checkbox"/> QUARTERS CLEANING (FAMILY HOUSING ONLY)
4. STOCK NO.	5. ITEM DESCRIPTION	6. COST
N/A N/A	Window (incl. installation) Clean oven	\$ 18.00 10.00
SAMPLE		
7. RECORD OF DISCOVERY OR REPORT OF LOSS/DAMAGE/CLEANING REQUIREMENT		
a. STATEMENT		
<p>While conducting final check out inspection on 24 Apr 90, discovered broken window in kitchen (photo included as Exhibit A) and that the oven had not been cleaned at the home of MM2 John Smith, 190-52-8115, at 11 Perry Cove. Both items had been identified as discrepancies during pretermination inspection on 9 Apr 90. MM2 Smith stated he did not want to repair the window and that he had forgotten about the oven. He further stated he accepted responsibility for and would pay for both items at the housing office before checking out.</p>		
b. NAME AND SIGNATURE OF PERSON INITIATING REPORT <i>Mary B. Jones</i> Mary B. Jones		c. DATE 24 April 90
8. COST AND RECOMMENDED CHARGE		
a. TOTAL COST \$28.00		b. RECOMMENDATION \$28.00
9. HOUSING MANAGER/DIRECTOR		
a. SIGNATURE <i>James R. Johnson</i> James R. Johnson	b. DATE 24 April 90	c. AUTOVON 224-3448

NAVPERS 11101/2 (3-90) FRONT

17 OCT 1990

10. INVESTIGATING OFFICER FINDINGS AND RECOMMENDATIONS (USE ADDITIONAL SHEETS, IF NECESSARY)	
SAMPLE	
11. INVESTIGATING OFFICER	
a. NAME, UNIT AND PHONE N/A	b. DATE APPOINTED c. SIGNATURE AND DATE
12. INDIVIDUAL CHARGED. I HAVE EXAMINED THIS REPORT AND:	
a. <input type="checkbox"/> SUBMIT THE ATTACHED LETTER OF OBJECTION <input checked="" type="checkbox"/> DO NOT INTEND TO MAKE A STATEMENT	b. AM AWARE OF MY RIGHTS TO (1) RECEIVE LEGAL ADVICE, (2) APPEAL, AND (3) REQUEST WAIVER OF INDEBTEDNESS IF PECUNIARY CHARGES ARE ASSESSED.
c. SIGNATURE <i>John W. Smith, MM USN</i>	d. DATE 24 Apr 90
13a. RECOMMENDATIONS:	
<input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL <input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL <input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL	b. SIGNATURE AND DATE
14. INSTALLATION COMMANDER (IF BLANK, SEE BLOCK 15)	
a. ORGANIZATION ADDRESS	b. RECOMMENDATION <input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL
c. SIGNATURE AND DATE	
15. APPROVING OFFICIAL	
a. ORGANIZATION ADDRESS NAS Anywhere Resort, CA 94202-1800	b. FINAL ACTION <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED
c. AMOUNT CHARGED	\$28.00
d. SIGNATURE AND DATE <i>James R. Johnson</i> JAMES R. JOHNSON	24 APR 90

NAVPERS 11101/2 (3-90) BACK

By Direction

Enclosure (3)

17 OCT 1990

Debtor's Entitlements and Rights

1. Immediately upon discovery or report of the loss, damage or necessity for family housing cleaning, the housing director or bachelor quarters manager will notify the occupant of the following entitlements and rights:

- a. The right to receive legal advice.
 - b. The right to receive a written request for voluntary lump-sum payment, informing the debtor of intent to recover the cost of necessary repairs, replacements or cleaning through salary offset if payment is not made within 30 days. Only one written request is required. The housing or bachelor quarters office must be able to demonstrate that the debtor has, in fact, received the request.
 - c. An opportunity to inspect and copy the Record of Housing Investigation and its attached evidence, and to attach statements or documentation of evidence, as desired. Requests for copies of the records relating to the debt must be made no later than 10 days from the receipt by the debtor of the notice of indebtedness.
 - d. The right to appeal the results of the investigation or the amount of the debt. The debtor will be advised that an appeal must be made within 30 days of notification of the indebtedness or within 45 days after receipt of the records relating to the debt, if such records are requested by the debtor. The window for submitting an appeal may be extended to 60 days provided notice of intent to appeal is submitted within 30 days.
 - e. The right to request waiver of financial liability.
 - f. An opportunity to make remittance directly to the disbursing office and to enter into a written agreement to establish a schedule for repayment of the debt under agreeable terms.
2. Notification of debtor entitlements and rights will not be considered an indicator of pecuniary liability.

Enclosure (4)

17 OCT 1990

Housing Investigation Guidance

1. General. The research conducted by the investigating officer is an extremely critical phase of the housing investigation. The evidence, data, and recommendations presented by the investigating officer are evaluated in succeeding reviews. Higher echelons, in formulating recommendations and decisions, are dependent on information contained in the Record of Housing Investigation.

2. Impartial Review. The investigating officer must be free of bias or prejudice and should not start the research with predetermined ideas as to the cause of the loss or damage. A thorough and impartial review develops the actual facts and circumstances, not necessarily as reported, but as they actually exist.

3. Accurate and Concise. The investigating officer should then be able to make an accurate and concise statement in his or her findings as to whether or not the loss or damage was due to gross negligence, willful misconduct, or abuse. After the findings have been recorded, a logical, reasonable recommendation will be made to place responsibility.

4. Conducting Review. The investigating officer will conduct the review as quickly as possible and, if 30 days have elapsed, will inform the installation commander in writing the reasons for the delay. In conducting the review, the investigating officer will:

a. When the loss or damage has been previously reviewed (as in another formal investigation), obtain a copy or abstract of the report and file it as evidence with the Record of Housing Investigation.

b. Hear, in person when possible, any person concerned if the testimony will be of any value in establishing the cause of the loss or damage, and/or the responsibility for it.

c. Compile evidence to substantiate or refute the statements in item 7 (pertaining to date and circumstances) of the housing investigation, and secure necessary exhibits to support the report of loss or damage.

d. When possible, include photographs pertaining to the loss or damage. They are helpful in showing how the loss or damage occurred, physical characteristics of an accident scene, nature and extent of damage, etc. Photographs used as exhibits should show the date taken, name and grade of the photographer. A brief description must be furnished, identifying each picture as to content and pertinent details.

Enclosure (5)

e. When possible, view the property before it is cleaned, repaired, destroyed, or otherwise disposed of. If housing requirements do not permit such an appraisal, cleaning and repairs need not be delayed pending the investigating officer's review.

f. Consult with or request advice of the legal office, housing or bachelor quarters office, procurement personnel, security police, or any other individual or offices as appropriate.

5. Coordination with Legal Officer. When during the administration of a investigation of loss or damage, it appears that criminal prosecution under the Uniform Code of Military Justice or Federal law might be in order, no statements should be taken from any person, whether subject or witness, before coordination with the legal officer.

6. Findings. The investigating officer will record his or her findings and the factors upon which his or her recommendations are based. The findings should be complete enough so others reviewing the form can readily determine responsibility without referring back to the investigating officer for further investigation or information. Conclusions must be sound and based on the evidence presented. The investigating officer will:

a. Ensure the findings and recommendations in no case contain unsubstantiated opinions or unspecific phrases. He or she will describe the circumstances based on the evidence obtained through research.

b. Ensure findings sustain or refute the statements, affidavits or certificates which are part of the investigation. When facts are obtained by oral testimony, the individual(s) must be named and identified and direct statements quoted.

c. Record the disposition of the property in the findings.

7. Submission of Additional Evidence. The investigating officer carefully considers any statement, affidavit, or additional evidence submitted by the individual. If the charge is sustained, he or she annotates all copies of the form that the additional evidence has been considered. When the evidence warrants it, an "Amended Recommendation" is recorded immediately following the original recommendation.

8. Recommendations. After recording his or her findings, the investigating officer should continue with recommendations in block 10 of the form. A recommendation of pecuniary liability or relief from liability and/or responsibility should be made for each individual involved. Under no circumstances show a recommendation for disciplinary action. If a pecuniary charge is recommended, the

17 OCT 1970

full name, Social Security Number, and grade of the individual charged must be shown. The investigating officer signs the NAVPERS 11101/2, indicating rank or grade.

9. Completion. After the investigating officer completes the Record of Housing Investigation, the form and attachments are forwarded to the installation commander. The investigating officer is not relieved from assignment until final action is taken.